

PAROLE BOARD
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Monday, December 13, 2021
3:30 pm – 4:30 pm

3:30-3:35 INTRODUCTIONS AND OPENING COMMENTS

Presenter: Kristen Hilkey, Parole Board Chair

3:35-3:40 GENERAL DISCUSSION

Main Presenters:

- Kristen Hilkey, Parole Board Chair
- Chad Dilworth, Parole Board Vice-Chair

Supporting Presenters:

- Tammy Murphy, Parole Board Office Manager
- Anne Andrews, Parole Board Statistician

Topics:

- R1 Information and resource needs: Page 1, Question 1 in the packet

3:40-4:00 S.B. 21-146 (IMPROVE PRISON RELEASE OUTCOMES)

Main Presenters:

- Kristen Hilkey, Parole Board Chair
- Chad Dilworth, Parole Board Vice-Chair

Topics:

- R2 Special needs parole: Page 1-2, Questions 2-3 in the packet
- R3 Escape/unauthorized absences: Page 2-3, Question 4 in the packet

4:00-4:30 TECHNICAL PAROLE VIOLATIONS AND PAROLE REVOCATIONS

Main Presenters:

- Kristen Hilkey, Parole Board Chair
- Chad Dilworth, Parole Board Vice-Chair

Topics:

- R4 Impact of 19-143 and other measures to reduce violations and revocations: Page 3-4, Question 5 in the packet
- R5 Adequacy of treatment options: Page 4-5, Question 6 in the packet

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GENERAL DISCUSSION

R1 Information and resource needs:

1. Does the Parole Board feel that they are receiving adequate information from the Department of Corrections (DOC) to fulfill their mandate? Does the Board have adequate resource?

Response:

The Parole Board and the Colorado Department of Corrections (CDOC) have a good working relationship and as a result, access to a multitude of record management systems to obtain information. Additionally, our relationship has enabled us to reach out to CDOC staff to obtain information that may not be available, with the exception of behavioral health services (substance abuse and mental health).

The Parole Board admits at times there is frustration, but not due to a lack of access, rather a lack of rich information to get a clear picture of inmates' risks and needs and what they have done to mitigate those risks and address those needs.

For example, the Board does not have access to behavioral health information nor do case managers who present inmate cases to the Board for parole consideration. As a result, parole board members have a blind-spot in regards to behavioral health information that is crucial to making a decision about stability and continuity of care.

S.B. 21-146 (IMPROVE PRISON RELEASE OUTCOMES)

R2 Special needs parole

2. What does it mean for the Parole Board to table an application?

Response:

When an inmate is placed on "Conditional Discretionary Release," also known as "tabled status," it is considered a release decision. If granted conditional discretionary release, the inmate will remain in the CDOC custody until the condition(s) set by the board member are met.

Examples of tabled reasons:

- Pending any approved parole plan by the Division of Adult Parole

- (Condition of Parole) (COP) Bed or transitional housing
 - Placement at a specified house or treatment center (i.e. sober living)
 - Interstate Compact plan approval
 - Program completion (i.e. Sex Offender Treatment Management Program (SOTMP), Therapeutic Community (TC). SOTMP is required for indeterminate sentenced individuals and TC is minimally available in the community)
 - Completion of a Community Corrections Program (Matrix Levels) (Presumptive Parole)
3. As of October 31, 2021, the Board had only approved one of nine special needs parole applications. Please explain the Board’s decision-making process on these applications.

Response:

The Parole Board received and reviewed 20 total Special Needs Parole (SNP) applications from July 1, 2021 through December 8, 2021.

Of those 20 applications:

- Six (6) applicants have been approved SNP and given an effective release date
- Six (6) applications have been approved and given a conditional discretionary release (“tabled status”) decision (typically due to needing to obtain a plan that ensures appropriate supervision of and continuity of medical care for the special needs offender.
- Eight (8) have been denied

Statute outlines what the Board is required to consider when considering an individual for parole. For SNP applicants, the Board must also take into consideration the complexity of their serious medical impairment. Specifically §17-22.5-403.5(4)(b) outlines the following:

(4) (b) The state board of parole shall make a determination of the risk of re-offense that the inmate poses after considering the factors in section 17-22.5-404 (4)(a), as well as the nature and severity of the inmate’s medical or physical condition, the age of the inmate, the ability of the department to adequately provide necessary medical or behavioral health treatment, the inmate’s risk and needs assessment scores, the nature and severity of the offense for which the inmate is currently incarcerated, the inmate’s criminal history, the inmate’s institutional conduct, program and treatment participation, and other relevant risk and risk-reduction factors.

R3 Escape/unauthorized absences

4. Please provide data on the number of escape/unauthorized absence reviews and hearings, the number of reviews resulting in approval and denial, and any other relevant information related to that issue. Please explain why some inmates were denied parole.

Response:

Per SB 21-146, the Parole Board reviewed a list of 146 inmates with a controlling crime of escape. Of those 146 inmates, 19 remain under review due to victim notification requirements and 22 were

not eligible for review¹ or due to prohibitions governed in other statutes². Of the 102 inmates eligible for immediate review, 22 were released or given a conditional discretionary/tailed decision for release. Individuals were tailed to complete a program and/or for an approved plan by the Division of Adult Parole. Those deferred were denied due to institutional behavior (i.e. COPDs) and/or being assessed with very high or high risk and needs and having received no intervention to mitigate those risks and needs.

¹ Four (4) had Class I COPDs, 1 refused to attend a recent hearing, 2 were on abscond status and 1 was ineligible due to PED recalculation. Additionally, 2 waived upcoming hearings to complete programming. Six already had release dates set that could not move up and 6 inmates discharged their sentenced between the time the data set was pulled and the date of reviews.

² §17-2-201, C.R.S

TECHNICAL PAROLE VIOLATIONS AND PAROLE REVOCATIONS

R4 Impact of 19-143 and other measures to reduce violations and revocations

5. How has the Board's work been impacted by S.B. 19-143 and the DOC's goal to reduce technical parole violations? Is the Board seeing any trends? If so, please elaborate.

Response:

Since the implementation of SB 2019 - 143, the Parole Board has been given limited options to address technical parole violations. There are limited Behavioral Health Service options for parolees brought before the Board on a revocation hearing with significant behavioral health issues and there are a limited number of options available, both within institutions and our communities, to address the needs which ultimately will reduce risk. Often, the result is the parolee absconds and/or picks up a new law violation.

(2022 The State of Mental Health in America by Mental Health America)

The table below displays information regarding finalized revocation hearing decisions issued by the Parole Board from November 10, 2020 through November 30, 2021:

Revocation Hearing Outcomes* **

Revoked vs Continued

Continued on parole (not revoked)	40%
Parole Revoked	60%

Reason for revocation

Revocation for new felony charge(s)	23.3%
Revocation for felony and misdemeanor charge(s)	5.5%
Revocation for new misdemeanor charge(s)	42.4%
Revocation for traffic/Petty offense(s)	0.5%
Technical Violation Revocation for Absconding	12.1%
Other Technical Violations only***	16.1%

***Includes only finalized Parole Board Revocation Hearing outcomes completed from November 10, 2020 through November 30, 2021.**

****Does not include hearing continuance hearings or self-revocation request decisions.**

*****Other Technical Violations Only category includes inmates returned for termination from sex offender treatment, weapons violation(s), and/or contacting a victim under a protection order.**

R5 Adequacy of treatment options

6. Does the Board feel there are adequate substance use and behavioral health treatment options for eligible parolees, either before or after a technical parole violation occurs?

Response:

No, there are not adequate quality behavioral health and substance abuse treatment options for individuals in the community. The Parole Board does not have enough options to provide a path for individuals to complete programs that match their level of need and risk. There has been a decline in the number of community corrections beds, IRT beds, and available options for those experiencing significant addiction and mental health issues. Additionally, there is a lack of

housing options for people needing supportive and palliative care due to age and medical conditions.

Colorado State Board of Parole

Annual Report: FY 2021



December 2021

Colorado State Board of Parole

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Colorado State Board of Parole Annual Report 2021

Thank you for taking the time to read the Fiscal Year 2021 Colorado Board of Parole's Annual Report.

The Colorado State Board of Parole utilizes actuarial assessments and structured decision making tools in order to make informed decisions about someone's release. The Board believes people deserve to be treated with dignity and respect and have the ability to change with hard work and introspection. As you review the annual report, it is clear that the board member's work is very diverse and complex. The Board is committed to working collaboratively with other criminal justice stakeholders and is dedicated to delivering a high standard of service to our Colorado communities by being objective, fair-minded, and just.

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Parole Board Operations:

The Colorado State Board of Parole (“Parole Board” or “Board”) consists of nine members who are appointed by the Governor and confirmed by the Senate. Board members serve three-year terms at the will of the Governor. Board members may be re-appointed for more than one term.

Parole Board Members

Parole Board Members appointed to serve at the discretion of the Governor serve three year terms and may be reappointed to multiple consecutive terms. In FY2021 the following individuals served on the Board:

- Kristen Hilkey, Board Chair
- Chad Dilworth, Board Vice-Chair
- Darlene Alcala, Board Member
- Daric Harvey, Board Member
- Michelle Geng, Board Member
- Jason Guidry, Board Member
- Brandon Mathews, Board Member
- Joe Morales, Board Member
- Davis Talley, Board Member

Administrative Personnel

The Parole Board is supported by a team of dedicated professionals who perform a variety of administrative functions and act as liaisons with outside stakeholders.

The Parole Board is supported by eleven (9) full-time employees (FTE). The Board support staff is structured as follows:

- Office Manager(1 FTE)
- Revocation Unit (4 FTE)
- Application Unit (2 FTE)
- Administrative Support Staff (1 FTE)
- Statistical Analyst (1 FTE)

During FY 2021, the Board also utilized contract employees, including two Administrative Hearing Officers to conduct revocation hearings pursuant to 17-2-202.5, C.R.S. (2016) and a defense attorney to represent parolees who are not competent to represent themselves during revocation hearings.

As the Office Manager, Tammy Murphy, oversees the administrative side of our work and is always available to answer questions as they come up.

To contact the Parole Board please call (719) 583-5800 or write to us at:

Colorado State Board of Parole
1600 W. 24th St. Bldg 54, Pueblo, CO 81003
www.colorado.gov/paroleboard

Mission

The mission of the Parole Board is to increase public safety by evaluating an individual's potential for successful reintegration to the community through the use of innovative evidence-informed practices.

Budget

The following illustrates appropriations made to the Board of Parole from FY2016-17 through FY 2020-21:

	2016-17	2017-18	2018-19	2019-20	2020-21
Personal Services	\$1,552,205	\$1,668,428	\$1,715,607	\$2,025,553	\$2,022,485
Operating Expenses	\$106,390	\$106,390	\$106,390	\$120,620	\$120,620
Contract Services	\$272,437	\$272,437	\$272,437	\$272,437	\$272,437
Start- up Costs				\$60,240	
Training Contract					\$24,999
Total	\$1,931,032	\$2,047,255	\$2,094,434	\$2,478,850	\$2,440,541

Hearings

The Parole Board is responsible for conducting three types of hearings with inmates and parolees who are housed and supervised by the Colorado Department of Corrections (CDOC):

- Application Hearings – when an inmate would like to be considered for the opportunity to be granted discretionary release on to parole
- Rescission Hearings – when an inmate has been given a parole release date but an issue has arisen that requires the Board to revise the original decision
- Revocation Hearings – when a parolee has violated the conditions of their parole and is at risk of re-incarceration

In addition to conducting hearings daily, Parole Board members engage in Full Board Reviews, conduct reviews of other board member decisions (called second signs), review and sign warrants, and review individuals for early discharge from parole supervision and Special Needs Parole.

Training

Board members bring a variety of knowledge and expertise that helps them to make these important decisions. In addition, board members participate in a minimum of 20 hours of continued training and education each year. In FY2021, Board members also attended the Association of Paroling Authorities International training conference.

Stakeholder Relations

The Parole Board makes a concerted effort to improve communications between Department of Corrections (DOC) Case Managers, Community Parole Officers, and Board members and staff. The Board also participates in a number of initiatives with other stakeholders. The following is a list of initiatives and collaborations that Board members participated in during FY 2021:

- Commission on Criminal and Juvenile Justice ("CCJJ")
- CCJJ Sentencing Reform Task Force
- CCJJ Sentencing Progression Working Group
- CCJJ Parole Working Group
- CCJJ Sentencing Progression Working Group
- CCJJ-Standards Subcommittee

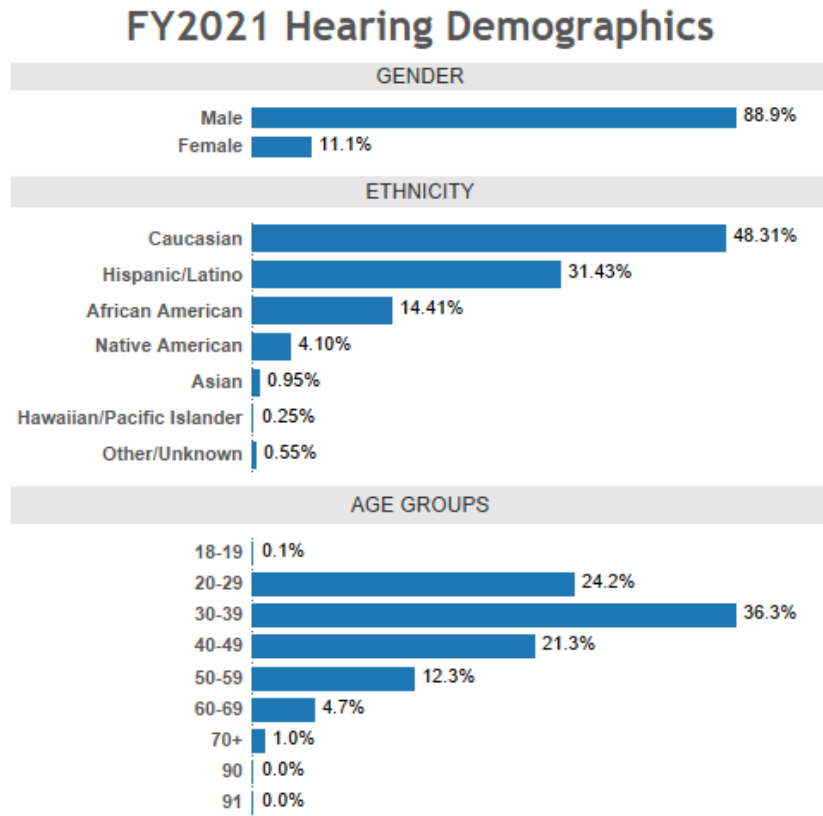
Parole Board Review and Hearing Numbers

The Parole Board conducts a wide variety of hearings and reviews. During FY2021, the Parole Board conducted the following:

- 11,200 application hearings for parole, which included:
 - 6,903 Video/Phone application hearings
 - 1,516 File Reviews
 - 2,458 hearings were conducted for inmates who either refused to attend or were unable to attend the hearings (moved prior to the hearings to another facility or medical facility, were in court or jail, were on fugitive inmate status, etc.)
 - 323 administrative hearings were conducted by our office for individuals who submitted hearing waivers or needed to have their hearing date changed.
- 2,737 Full Board reviews
- 279 Rescission hearings
- 4,801 Revocation hearings
- 1,856 Early parole release reviews
- 34 Special needs parole hearings
- 15 Interstate parole probable cause hearings
- 160 Reduction of sex offender supervision level requests reviews
- 2,222 arrest warrants issued

The Parole Eligible Population

The demographic breakdown of individuals considered for discretionary release onto parole in FY2021 is as follows:



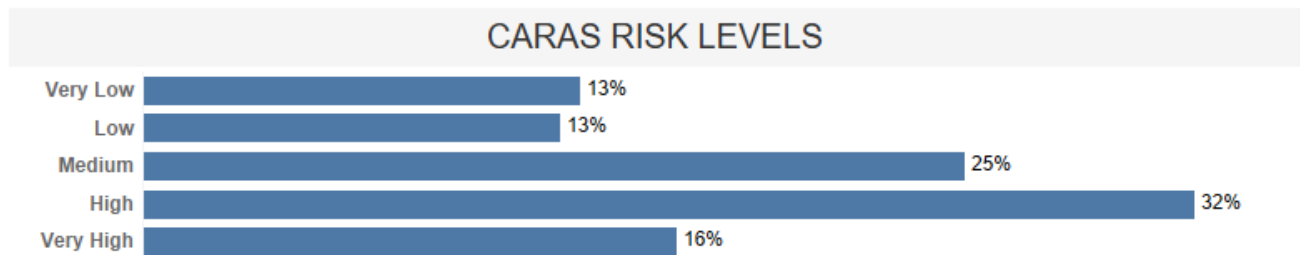
Demographic information reported to the Colorado Department of Corrections by those individuals who had a completed parole application hearing by the Colorado State Board of Parole during FY 2021.

Risk and Readiness Assessments

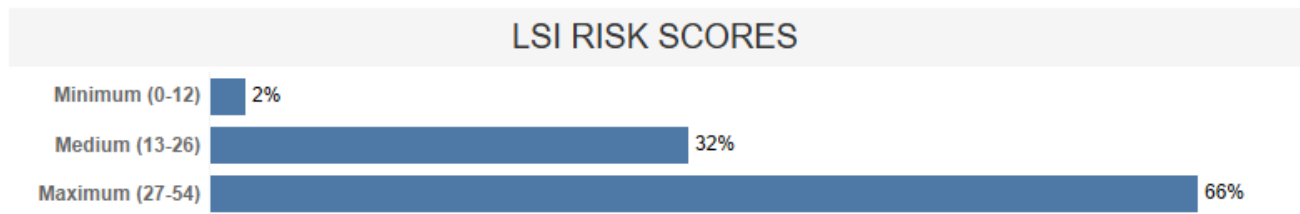
The Parole Board considers all available risk and readiness assessments in their review of all inmates for discretionary release: The Colorado Actuarial Risk Assessment Scale (CARAS), the Level of Supervision Inventory (LSI), and the Colorado Transitional Accountability Plan (CTAP) suite of assessments are typically available for review by the Parole Board. The CARAS is a static risk assessment, meaning the score is unlikely to change but can get higher throughout someone’s lifetime. Due to its static nature, the LSI and CTAP assessments are also considered, as they are dynamic risk assessments that can change over time through intervention, treatment, etc. The LSI is done when an individual first enters prison, while the CTAP assessments are done throughout an individual’s stay.

The CARAS is currently the driver of the Parole Board Release Guideline Instrument (PBRGI), a structured decision making tool that provides recommendations to board members regarding a deny or release from prison. The board is currently undergoing a revision of this tool to include more dynamic

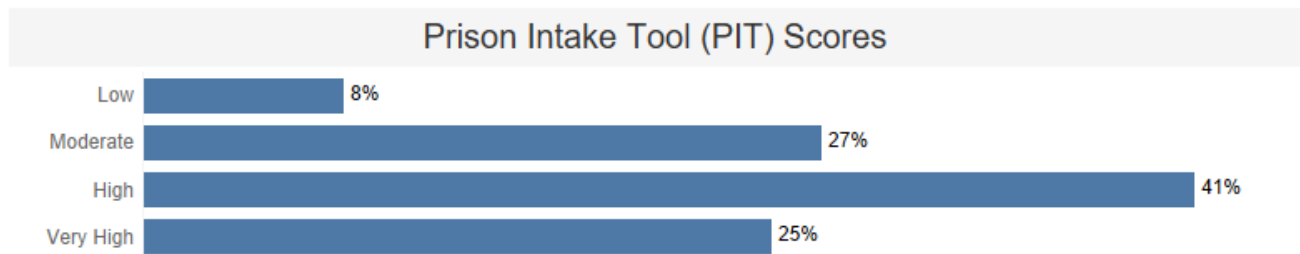
risk and readiness considerations. The CARAS has five risk domains: very low, low, medium, high, and very high. The breakdown of risk by CARAS scores for the inmates seen by the Parole Board in FY2021 for application hearings is provided below:

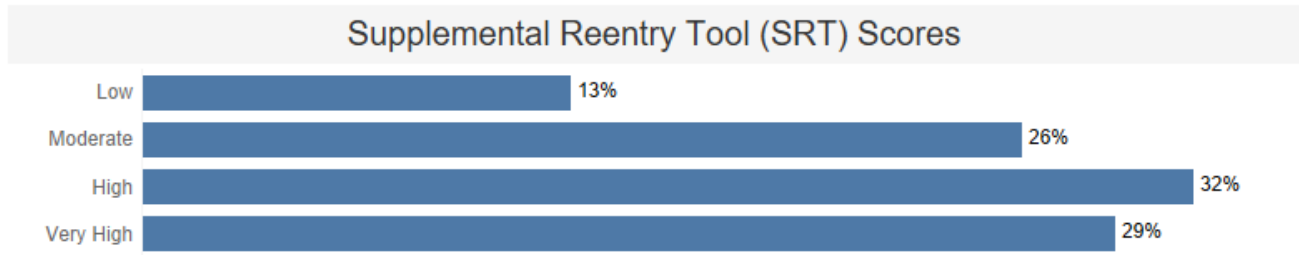
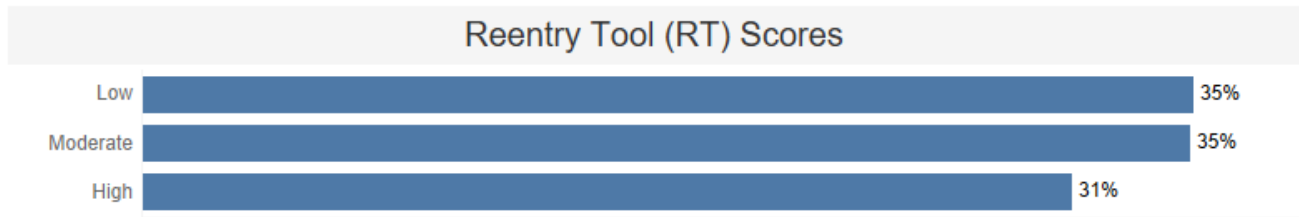


The LSI is a dynamic risk assessment conducted upon entry into prison and when individuals are out in the community on probation and/or parole. When done regularly, the LSI can demonstrate whether the interventions provided to individuals are reducing their overall risk to recidivate. It can also be used for the purposes of case planning. The CDOC has established LSI risk cut offs for the purpose of supervision practices. Based on these cut off scores, the breakdown of risk by LSI for the inmates seen by the Parole Board in FY2021 for application hearings is provided below:



There are three CTAP assessments that can be completed on individuals while in CDOC. The Prison Intake Tool (PIT) is completed upon entry into prison, similar to the LSI. The Supplemental Tool (SRT) is completed every year for the first four years of incarceration and the Reentry Tool (RT) is completed every year from the fourth year of incarceration and beyond. CTAP assessments categorize individuals into low, medium, high, or very high risk categories, the breakdown for the inmates seen by the Parole Board in FY2021 for application hearings is below:

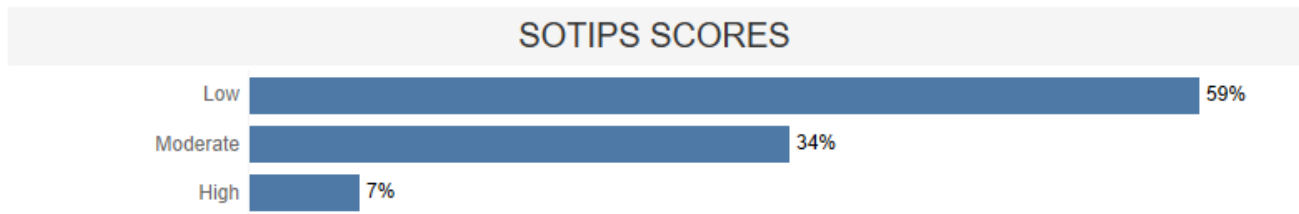
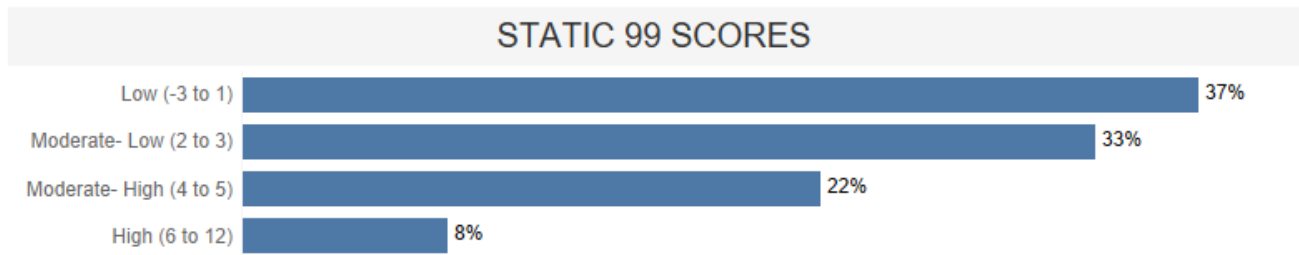




There are a number of specialized populations within the CDOC that require special training and attention by parole board members. The following is a discussion of individuals who were seen for an application hearing in FY2021 who are considered to fall within a specialized population.

Sex Offenders

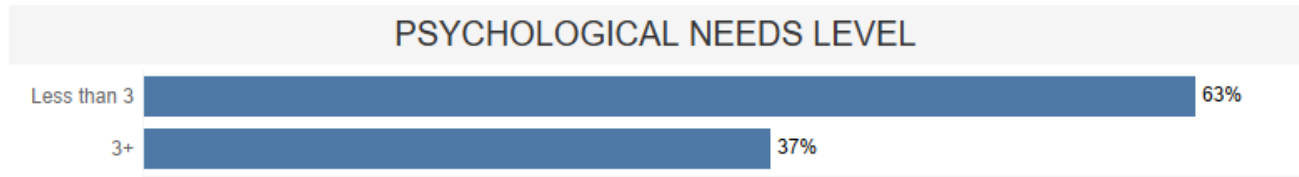
Regarding those convicted of a sex offense, the STATIC-99 and Sex Offender Treatment Intervention and Progress Scale (SOTIPS) assessments provide overall risk scores of the inmate, on what their likelihood is to commit another sex offense.



Mentally Ill Inmates

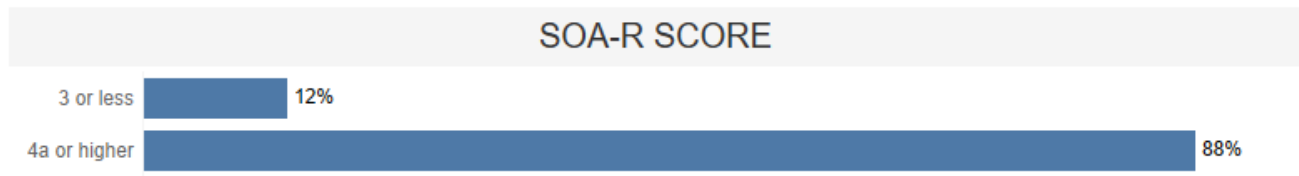
The Parole Board recognizes the challenges of those living with mental health issues. The CDOC provides a psychological code (P code) to identify level of need regarding the mental health population

which then allows the parole board to appropriately condition inmates to increase resource availability once on parole. Parole board members work collaboratively with parole mental health and the Reentry Unit to help support release.



Substance Abusing Inmates

All individuals are assessed using the Standardized Offender Assessment – Revised (SOA-R) in CDOC. Individuals who score at a level 4a or higher are considered as needing a more intensive level of substance abuse treatment. The CDOC provides substance abuse treatment at different levels of intensity and parole board members encourage participation. If necessary, additional treatment in the community may be ordered as a condition of parole.



Conditional Discretionary Release “Tabled” Status

Individuals can be placed on conditional discretionary release, or tabled, status to ensure that their release occurs once they have met certain criteria. The most common reasons for being placed on tabled status, as opposed to be provided with a release date are:

- The individual is in a program and still needs time to finish the program.
- The individual does not have a place to parole to and needs time to connect with reentry services.
- The individual has been accepted to a program and is waiting on bed availability.
- The individual is already in community corrections and will be paroled upon completion of the program.
- The individual is in need of assisted living or hospice care and more time is needed to find an available bed.

Special Needs Parole

When an inmate has a mental health or medical diagnosis that warrants consideration for early release on to parole, the CDOC will submit an application to the Parole Board for review. This review request can be initiated by the individual inmate themselves, their case manager, or the CDOC medical team. All applications are vetted by the CDOC medical team and a recommendation is provided. In FY2021,

the parole board conducted 34 special needs reviews for individuals that were recommended for release by the CDOC team. A total of 16 individuals were granted special needs parole in FY2021.

The Opportunity to Complete Parole Early

When a parolee completes a set portion of their parole sentence and are at a certain risk and supervision level, they are eligible to be submitted for early release review by the Parole Board. The Department of Corrections’ Division of Adult Parole Administrative Regulation 250-29 defines when a parolee is eligible for review. In these reviews, members are looking to see that individuals have completed the conditions of their parole and have been successful on supervision. The following table displays the number of individuals who were approved and denied early parole release from FY2017 through FY2021.

Early Parole Discharge Applications by FY and Parole Board Decision

	2017	2018	2019	2020	2021
Approved #	614	1,142	1,105	1,085	1,537
Denied #	89	419	220	386	319
Approved %	87%	73%	83%	73%	82%
Denied %	13%	27%	16%	26%	17%

*Includes all early parole discharge applications that were presented to the Parole Board and had a final decision within the Fiscal Years 2017- 2021.

The Revocation Process

When individuals violate the conditions of their parole the Division of Adult Parole can bring them before the Parole Board for a revocation hearing. There were 4,801 revocation hearings conducted in FY2021. Below is a breakdown of those hearing outcomes:

Revocation Hearing Outcomes* **

Revoked vs Continued

Continued on parole (not revoked)	40%
Parole Revoked	60%

Reason for revocation

Revocation for new felony charge(s)	23.3%
Revocation for felony and misdemeanor charge(s)	5.5%
Revocation for new misdemeanor charge(s)	42.4%
Revocation for traffic/Petty offense(s)	0.5%
Technical Violation Revocation for Absconding	12.1%
Other Technical Violations only***	16.1%

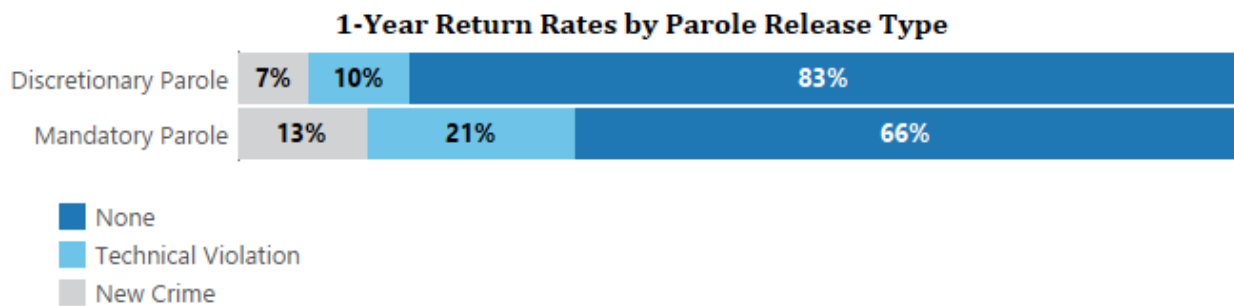
*Includes only finalized Parole Board Revocation Hearing outcomes completed from November 10, 2020 through November 30, 2021.

**Does not include hearing continuance hearings or self-revocation request decisions.

***Other Technical Violations Only category includes inmates returned for termination from sex offender treatment, weapons violation(s), and/or contacting a victim under a protection order.

Return to Prison

Return rates differ depending on an inmate’s type of release. Those released discretionarily historically have lower return to prison rates than those who release on mandatory parole release types. For those released in calendar year 2018 the 1-year return rate is 17% lower for discretionary releases than mandatory releases.



Conclusion

The Colorado Parole Board strives to increase public safety by critical evaluation and evidence-based practices to maximize the potential for each inmate's successful reentry into society. Colorado's Board of Parole, similar to most other states, has a unique process for reviewing and releasing inmates. There is no current evidence-based standard by which release rates can, or should, be measured. Each release hearing should be viewed as an individual event for each individual inmate, by which the releasing authority uses evidence-informed decision making to determine the most appropriate method of release to maximize the successful re-entry for each inmate. Therefore, the Colorado State Board of Parole attempts to ensure that each release decision is embedded in evidence-informed, up to date, and validated information to maximize the opportunity for an inmate's success, while maintaining the Board's commitment to public safety.



Colorado State Board of Parole Annual Report 2021

For more information contact:

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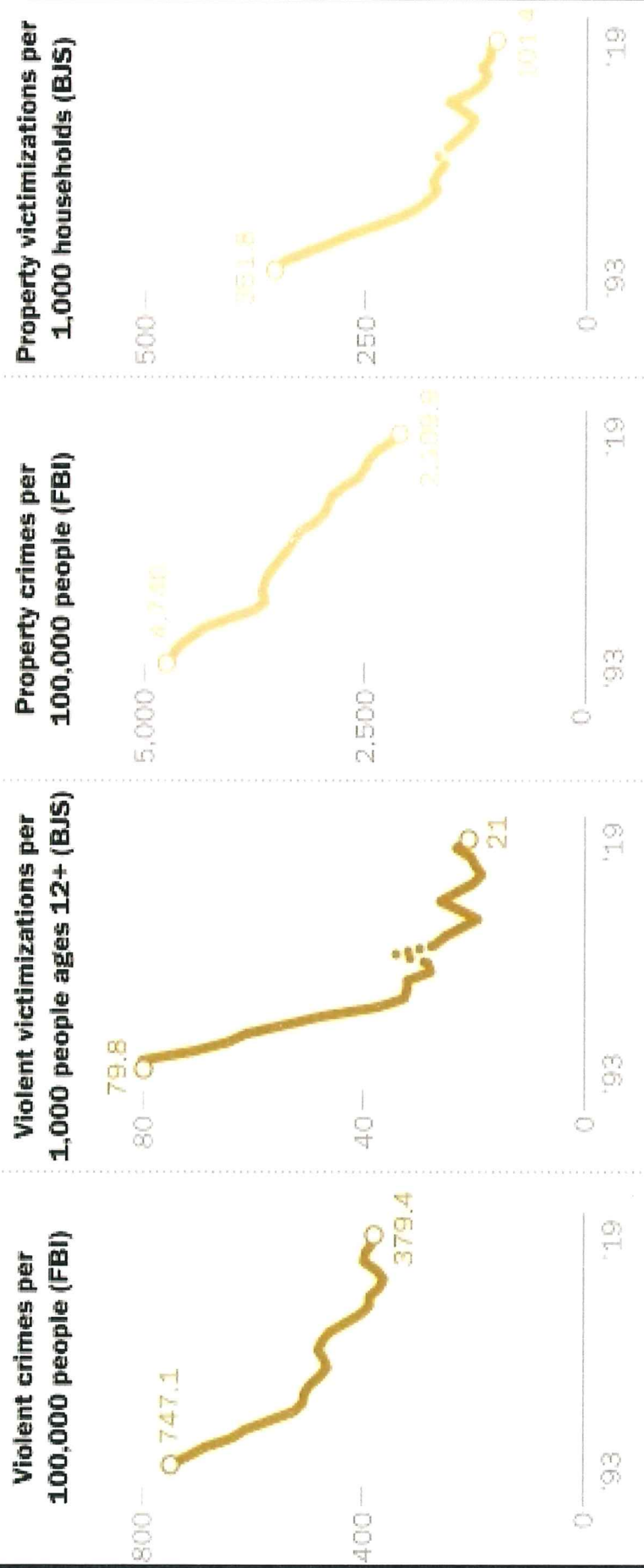
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U.S. violent and property crime rates have plunged since 1990s, regardless of data source

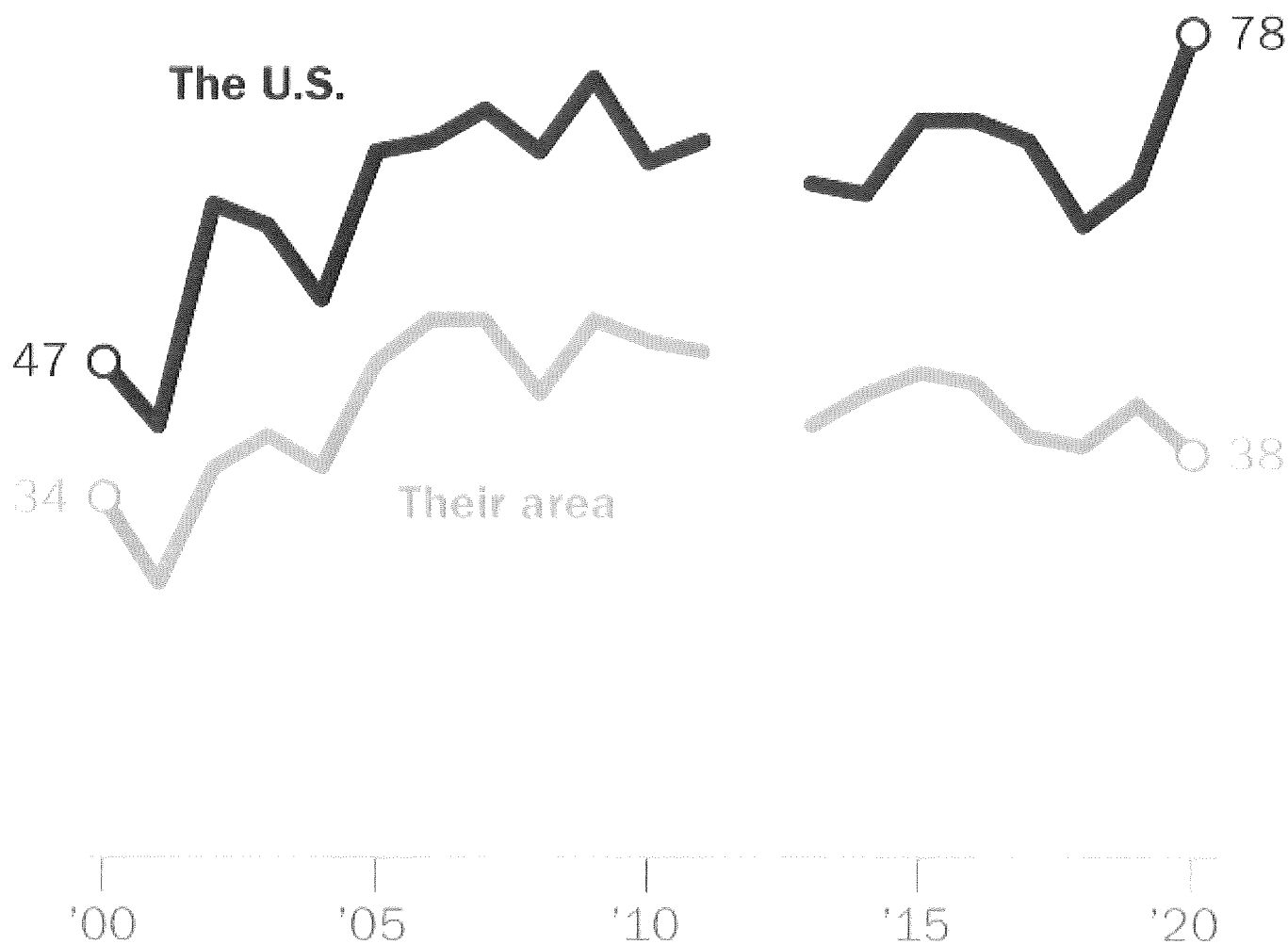
Trends in U.S. violent and property crime, 1993-2019



Note: FBI figures include reported crimes only. Bureau of Justice Statistics (BJS) figures include unreported and reported crimes. 2006 BJS estimates are not comparable to those in other years due to methodological changes.
 Source: U.S. Bureau of Justice Statistics (BJS). Federal Bureau of Investigation (FBI).

Americans tend to believe crime is up nationally, less so locally

% of U.S. adults who say there is more crime in _____ than there was a year ago



Note: Data not available for 2012.

Source: Gallup.

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